

Minutes of the Hurricane City Council held on January 8, 2015 at 5 p.m. in the Council chambers at 147 N. 870 West, Hurricane, Utah.

Members Present: Mayor John Bramall, Council members Darin Larson, Kevin Tervort, Pam Humphries, Darin Thomas, and Ethelyn Humphries.

Staff members present: City Attorney Fay Reber, City Manager Clark Fawcett, GIS Specialist Joe Rhodes, Recorder/Assistant City Manager Kaden DeMille, Public Works Director Mike Vercimak, City Engineer Arthur LeBaron, Planning Director Toni Foran, and Assistant Fire Chief Merlin Spendlove.

Mayor John Bramall brought the meeting to order at 5:07 p.m.

5:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports

Kaden DeMille stated the election process requires him to notify people there will be openings on the City Council for next year

He explained the auditors found a special requirement for a resolution authorizing the method of funding Fire Department employees' retirements. That resolution is on the agenda for tonight.

Dave Imlay presented Dustin Davis, the Power Department's new 1st Step apprentice. Dave said Dustin works hard, is gung ho, and is waiting for his new uniform. Dustin did the climbing demonstration for the students and was appreciated. Council members welcomed Dustin to City employment.

Dave Imlay asked if the Council had any questions or concerns. He stated things are going well and the Department has gone 130 days without an outage. The power System is strong and doing well right now. Scott Hughes built all the algorithms for SCADA at the substation serving all the businesses. They will de-energize the sub to initiate the change to the new system. Dave was excused from the meeting after his report.

Mike Vercimak asked if the Council had any questions regarding the Airport Plan. Ethelyn asked if all the other Council members had seen the plan. She asked if the hammerheads at the ends of the runway are included in the plan. Mr. Vercimak explained the main question is whether or not the Council wants to revisit the question of realigning the runway. The City previously had a study done at a cost of about \$225,000 to present options and plans for the ALP (airport layout plan.) The adopted plan does not change the airport alignment. Some Board members wanted a new study at a cost of \$210,000 plus a new NEPA study plus losing the \$6 million allocated for runway work in 2016. They pointed out re-alignment would enable a 6,000' runway while the approved plan does not.

Board member voted against a new study but the Board members felt the Board is an advisory body and needs to have the Council make a final decision.

Pam Humphries asked if re-aligning the runway will be an option in the future. John Bramall explained the ability to re-align runway will be restricted in the future by how land is developed around the airport.

It is possible there will be an option of taking over the Sky Ranch airport in the future but that is uncertain. Basically, if the city says no to expansion now, it will never be able to be expanded in the future.

Mike Vercimak stated it might be easier in the future to pioneer a new location for a larger airport. The FAA defines airports as General Aviation and Commercial. A commercial airport has commuter service in and out of it, such as St. George Airport. Hurricane will always stay a General Aviation airport due to the proximity to the St. George Airport.

The Airport Board wants assurance the Council is still behind the approved plan and does not want a new plan study.

Mr. Vercimak reported the Streets Department has been working on crack sealing roads and keeping the sand off the road around Sand Hollow Reservoir. The Water Department has been fixing leaks. They expect a report from the West Well soon and have authorized Alpha Engineering to prepare plans for a sand separator. The Parks Department has been gathering tumbleweeds and pruning trees. Pam asked about tumbleweeds that were dumped out by Sky Mountain golf course and asked the crew to dispose of the weeds so they don't end up around houses on the other side of the road.

Arthur LeBaron said he heard the contractors are planning to pave the utility work on 200 West and 600 North next week. Interstate Rock has been working on the 600 North project, working on the water system, and digging trenches. Joe showed pictures from the project. Arthur commented the project is at the "break the eggs" stage of the omelet making process. He was happy to report there have been no change orders so far and he expects the project to be completed by June.

Arthur stated once this project is done the City will need to look at the next project. The five year plan includes several key roadways that will have to be prioritized. He expects Purgatory Road to be moving to the top of the schedule by the end of five years. He asked the Council to look at priorities for the next project and told them there are plans designed for the 400 South project because they ended up taking the money for that project to build 1300 South.

Arthur stated he delivered bidding plans to Interstate Rock for bidding and to SunRoc for a cost estimate on the Grandpa's Pond Park project.

He explained City Council support will be required for acquiring Road Respect status. Arthur said there are a lot of conversations about sharing the road with both motorists and cyclists but the Road Respect program helps educate both parties on their responsibilities. This takes projects into the community to build that respect.

Fay Reber explained the first item on the agenda, approving the filing of the amended plat and obtaining building permits and allowing sales by metes and bounds descriptions for the Park Subdivision. After this item was approved at a previous meeting one of the property owners expressed a concern that the developers could walk away from the responsibility for getting the plat amended if they could still obtain permits. Developer Bruce Curtis met with Clark Fawcett and explained his issue with being able to utilize his property and sell houses to finance the amendment costs. Attorney Russ Gallian will attend the meeting tonight to represent the developers and provide a status update. It was clarified the developer still owns 6 lots – 2 with homes. If the developer sells all the lots or gets all the permits, it is possible he loses motivation. Clark stated residents also have to work to get signatures and the developer cannot control them. Bruce Curtis has spent enough money and enough time it does not appear he is not interested in leaving before the plat is amended.

Mr. Meyer said the solution is a couple million dollar bond, which he said would cost about \$300 a year. He recommended a "Trust but verify" policy.

John Bramall asked Fay Reber to prepare a final draft of the Grandpa's Pond Agreement.

Mayor Bramall called for a break at 5:53 p.m.

Mayor Bramall called the meeting back to order at 6:00 p.m. Stephen Meyer led the Pledge of Allegiance and Darin Larson offered a prayer.

Presentation of employee of the month award was deferred to next month

Approval of minutes – 9/3/2014; 11/5/2014; 11/20/2014; and 12/4/2014 – Pam Humphries motioned to approve the minutes, seconded by Ethelyn Humphries. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, Pam Humphries, and Darin Larson all voting aye.

Reconsideration of an amended and extended plat for the Park Subdivision and possible authorization to resolve title issues by issuing metes and bounds descriptions and possible authorization to issue building permits as discussed in 12/18/14 meeting –

Attorney Russ Gallian reminded the Council they approved this at the 12-18-14 meeting. It was clarified an issue was raised at the end of that meeting by one concerned owner. Mr. Gallian stated he felt the developers should be allowed to purchase building permits. He summarized the problem with the current plat. The lots in the circle have mostly only issues with road curves. He stated the developers have spent tens of thousands of dollars so far on the project. Agreements as currently worded lay out how the problem will be fixed with plat signatures and quit claim deeds.

Additionally, the amended plat cures a problem with the original plat where the road next to the park which was not properly dedicated. He said the developer has spent several days helping locate property owners and has 12 lots with signed agreements. Tonight Mr. Gallian is asking that the developer be allowed to get a building permit.

He stated it is prudent to allow the developers to mitigate any damages by allowing metes and bounds descriptions and building permits. Developers have shown responsibility and should be allowed to get some economic benefit from the property.

Ethelyn Humphries asked how the City can monitor for progress being made. Mr. Gallian made a plea to allow the plat to be recorded with the signatures of the lot owners only. He said they have signatures of 11 out of 44 lot owners at this point.

Fay Reber questioned whether the developer would continue with quiet title action to clear the issue for the trust deed holders if the plat is recorded and they have built houses on their lots.

John Bramall recommended allowing the City to issue the two pending permits now and hold the other two until the developer has signatures of all land owners.

Stephen Meyer stated he feels there should be a performance bond required by the City to ensure the quiet title action is completed.

Russell Gallian reminded the Council the property owners have some control over whether they sign or not and can delay the process.

Darin Larson asked what happens if a bank forecloses after a property owner has quit claimed a portion of the property but the foreclosure description still includes a portion of an adjoining property. He commented a performance bond could be difficult to enforce in this situation where it does not involve pipes in the ground or roads.

Fay Reber stated he has talked to other municipal attorneys about whether the plat can be signed by only the property owners. The attorneys are very conservative and prefer the trust deed signer as well. Ethelyn clarified the quiet title action benefit.

Darin Thomas motioned to authorize the title companies to resolve title issues by issuing metes and bounds descriptions and possible authorization to issue building permits on metes and bounds descriptions as discussed in the 12/18/14 meeting and authorizing issuance of two building permits for the developers and permitting them to sell the existing home. If there is measurable progress towards getting the plat recorded the developers can come back to the Council for additional permits. Kevin Tervort seconded the motion. Motion approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Pam Humphries voting aye and Darin Larson abstaining due to representing a lender on some of the lots.

Presentation by the Hurricane Trails Committee regarding the 2015 Road Respect Event- Lucy Ormond explained the trails committee was approached by the Southern Utah Bicycle Alliance to ask if Hurricane would like to become a Road Respect Community along with Santa Clara, and Washington. Hurricane received part of the grant to help communities get the status.

Ms. Ormond explained Hurricane is growing and has the largest land mass of any other community in Washington County. She gave a presentation regarding the UDOT Road Respect initiative to promote better communication between bicyclists and motorists. 90% of bicyclists are also motorists. The City is asked to support the message by becoming a Road Respect community. Right now Rockville, St. George, and Ivins are designated Road Respect communities. Lucy has volunteered to become the community champion for the Hurricane Road Respect team, which includes Arthur LeBaron, Brandon Buell, Bryce King, and Darin Thomas. Partners are UDOT who will help fund an event, the Utah Department of Health which will give \$2,000 to help improve the bicycle safety program, and Southern Utah Bicycle Alliance who will provide 100 helmets.

Hurricane is far ahead of other communities in achieving Level 1 in the Road Respect program since it has adopted a master trail plan for bicycle routes which is part of the General Plan. It also already has the kids bicycle safety program and has identified the gaps in that program. The Health Department money will go directly to the Police Department to enhance the program. Right now there is no bicycle safety program to Valley Academy or the Middle and Intermediate or High schools. Brandon will identify how the money will be sent. A survey will be used to evaluate how residents value bicycling and walking.

The City must only achieve the requirements of Level 1 to get designation as a Road Respect community and that will be done. The group will coordinate with the UDOT event on May 29th to present the Road Respect designation before they move on to Washington and Santa Clara. Bryce will help get the permit for the event and she asked the Council to support this event by allowing it to be covered by the City's insurance.

Ms. Ormond reminded the Council members that they voted to approve the Master Trail Plan. The next big step is implementing the plan. Lucy asked as a citizen that Mayor Bramall and her elected City Councilors pass a motion to allocate \$100,000 each year in the budget, from the RAP tax or another source, to build and improve trails. She said, "Talking is great but unless the City is willing to stand behind the plan, it will not be built." Darin Thomas questioned setting an amount until RAP tax proceeds are known.

She reviewed the Road Respect event which will include a helmet give away, bicycle rodeo, short bicycle ride for kids, and a bicycle road ride to Washington Dam for anyone interested who knows how to obey the rules of the road and wears a helmet.

Darin Thomas returned to the subject of funding trails and said he is uncomfortable allocating any amount for any project until the proceeds from the tax are actually seen. Bryce King predicted it will take at least a year to judge the tax income.

All agreed it would be good to allocate money every year to trails. Ms. Ormond stated the Trails Committee has had four main projects in addition to Road Respect – the mountain bike trail at Quail Lake, Main Street trailhead in conjunction with Confluence Park, the H trail, and maintaining Confluence Park trails. She stated Hurricane is a diamond in the rough just because of the scenery. She stated trails will improve the local economy. She asked the Council to approach developers by saying, “This is our plan – how does your plan fit into our master trail plan?” She said Hurricane may not be as big as Portland, Oregon but “has the potential to become a very bikeable, walkable community.”

Mayor Bramall stated he supports Road Respect and trails for Hurricane.

Pam Humphries was excused at 7 p.m.

Council members agreed they support trails and support developments following the Master Plan.

Presentation of 2013-2014 audit-Hinton-Burdick representative Chad Atkinson delivered a copy of the financial statements with the report of Certified Public Accountants to the Council members. He expressed appreciation for Clark Fawcett and the staff in working on the audit. He presented the financial highlights of the report:

- Dixie Springs SAA infrastructure assets breakdown

- All funds were operated within the budget except the streets capital project fund and the pool capital project fund.

- The SID construction fund was in a deficit position in fiscal year 2014 but he expects that to be remedied this year.

- Did revenues exceed expenditures?

- Majority of new expenditures were in Parks and Recreation budgets.

Clark Fawcett explained when a project is built the fund balances drop quickly in the other funds participating in the project, such as water lines in new roads or landscaping on public streets.

Mr. Atkinson stated the General fund balance is up and the five year trend for all other funds together is good.

Mr. Atkinson then looked at the proprietary funds. He said the fiscal year ending June 30, 2014 was a good year but is skewed a little because it includes capital contributions from SAA funds. He summarized the funds as follows, stating all funds improved their net position this year:

- Golf fund in the black this year.

- Drainage fund about same as last year.

- Electric fund up from prior year.

- Water fund up.

- Positive trends across the board in proprietary funds.

Overall he assured the Council the cash position for the City is good.

Mr. Atkinson asked the City to again engage Hinton Burdick for fiscal year 2015. He stated there may be a small fee increase. He stated citizens can see the report on the State Auditor’s website or request a copy from the Recorder.

Discussion regarding November 2015 Veterans Day parade-Stephen Bird, Commander of the Hurricane American Legion Post 100 – Commander Bird offered to help plan for the parade. The

group discussed possible airport involvement. The Council offered help from all departments as needed. Other parades have already been planned so a suggestion was made to involve Debbie from the Community Center as she has done a good job organizing parades. The City will invite the entire county to attend. High school bands should be invited to march. Clark invited parade organizers to attend staff meeting at 7:30 a.m. on a Wednesday morning, stating the City is happy to help any way we can.

Discussion and decision regarding airport layout plan-Mike Vercimak

Darin Thomas motioned to approve the current layout plan and move forward with that plan, seconded by Kevin Tervort. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Consideration and possible approval of an exchange of title for property located in the Gateway Subdivision and adjoining property for Bart Warner –

Mr. Warner expressed appreciation for the support Hurricane has given to his project in the Gateway. He explained he sold the majority of the Freightliner dealership to his sons. They are leasing the property from Bart now but they want to start building equity in the property. He said it has been hard to find anyone else to sell or lease the parcels adjoining the dealership to and he believes Warner will have to start another business to make this property work. He stated they know if Building 1 were to be sold or leased they would have to bring in another water line. Right now they need to be able to record what the sons are buying.

He stated they do a lot of work on RV's because Freightliner is owned by Daimler and supply the most diesel pusher RV's in the world.

Ethelyn motioned to approve an exchange of title for property located in the Gateway Subdivision and adjoining property with the conditions of the sewer easement being recorded and a second water meter installed when a lot is sold and improvements to Old Highway 91 completed when the property fronting it are developed, seconded by Darin Thomas. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Consideration and possible approval of a resolution authorizing 2014-2015 retirement contributions –

Darin Thomas motioned to approve the resolution authorizing 2014-2015 retirement contributions, seconded by Ethelyn Humphries. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Consideration for adoption of a resolution of the City Council of Hurricane City, Utah authorizing the issuance and sale of not more than \$300,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2015; and related matters – Darin Thomas motioned to approve the resolution of the City Council of Hurricane City, Utah authorizing the issuance and sale of not more than \$300,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2015; and related matters, seconded by Kevin Tervort. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Pam Humphries returned to the meeting at 7:45 p.m.

Mayor, Council and Staff reports

- Pam Humphries **Court, Water, Power, Hurricane Fire and Ambulance Department** –Pam stated she will meet with the Fire Chief until the City is officially in the District. They are advertising to hire an additional office assistant
- Darin Larson **Planning Commission, Economic Development, Planning Department** – Darin Larson asked if the Council could discuss the issues with the Arts program at the Fine Arts building and the numbers from the December production.
He met with a citizen who lives adjacent to the Jehovah's Witness church and complained about the lights. Staff stated the Jehovah's have put shields on the parking lot lights. It was clarified there are two lots between the citizen and the Jehovah's parking lot.
John will check the lights when he goes home tonight.
- Kevin Tervort **Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement** – no report
- Ethelyn Humphries **Sewer District, Fire District, Solid Waste, Building Inspector, Youth City Council** –
Ethelyn reported the Solid Waste District has put out requests for proposals for curbside recycling. The cost per household should be less if they can offer county wide recycling. The idea is to keep the binnies and have an opt out for residents who are not interested.
She said Addie Jensen is willing to lead Youth City Council and is very enthusiastic. The Council recommended she get started quickly enough to send the youth to the State Legislature. If she accepts the position, she could take a couple of kids on January 28th. Mayor Bramall will contact Addie Jensen.
- Darin Thomas **Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification** – Darin said the dumpsters for one of the two city cleanups can be located up near the swimming pool
- Mayor **Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer**
Mayor Bramall stated the Iversons have a drainage basin of about 3.5 to 5 acres to donate as a park. Staff stated the City has a drainage basin in that area and it is close to the 40 acres already owned for a park.
He said as far as the recommendation from Interstate Rock for the location of the trail in their development he has three comments: 1. The upper trail is a more scenic and beautiful trail. 2. They should donate the land as an amenity to their project because residents in their project will benefit. 3. The upper trail should be the primary trail, not a secondary trail.
He stated if the project is developed with a trail behind the lots it becomes an amenity. Mayor Bramall said developers need to be educated about the benefits of trails to their project.
Mayor Bramall said John Gubler left the map of a proposed Dixie to Zion trail. It is mostly on Water District property so Mayor Bramall will present it to the Water District. Darin Thomas will take to the Trails Committee meeting.

All agreed to move the next Council meeting to January 29th.

Staff Reports

Chief Excell reported body cameras will be delivered to the Police Department for employees to wear on January 22nd.

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Meeting adjourned at 8 p.m.